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SENATE BILL 438

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO MOTOR VEHICLES; IMPOSING A PENALTY ASSESSMENT FOR
FAILURE TO COMPLY WITH WEIGHT DISTANCE TAX ACT REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-8-116.2 NMSA 1978 (being Laws 1989,
Chapter 319, Section 13, as amended) is amended to read:

"66-8-116.2. PENALTY ASSESSMENT MISDEMEANORS--MOTOR
CARRIER ACT.--As used in the Motor Vehicle Code and the Motor
Carrier Act, "penalty assessment misdemeanor" means, in
addition to the definitions of that term in Sections 66-8-116
and 66-8-116.1 NMSA 1978, violation of the following listed
sections of the NMSA 1978 for which, except as provided in
Subsection E of this section, the listed penalty is
established:

A. GENERAL

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1	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
2	Failure to register		
3	motor carrier	66-3-1.1	\$300.00
4	Failure to carry tax		
5	identification		
6	permit	65-1-26	300.00
7	<u>Failure of motor carrier</u>		
8	<u>to comply with weight distance</u>		
9	<u>requirements of the Weight</u>		
10	<u>Distance Tax Act</u>	<u>65-1-26</u>	
11	<u>(1) first conviction</u>		<u>300.00</u>
12	<u>(2) second conviction, within</u>		
13	<u>ten years of the first conviction</u>		<u>500.00</u>
14	<u>(3) third or subsequent</u>		
15	<u>conviction, within ten years of the</u>		
16	<u>first conviction</u>		<u>1,000.00</u>
17	Failure to comply with		
18	public regulation		
19	commission rules and		
20	regulations	65-2A-7	50.00
21	Failure to		
22	carry single state		
23	registration receipt issued		
24	by a base state	65-2A-7	50.00
25	Failure to register with		
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1 a base state under the Federal
2 Unified Carrier Registration Act
3 of 2005 65-2A-16 50.00
4 Failure to stop at
5 designated
6 registration place 65-5-1 100.00
7 Failure to obtain
8 proper clearance
9 certificates 65-5-3 100.00.

B. VEHICLE OUT-OF-SERVICE VIOLATIONS

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Absence of braking action	65-3-9	\$100.00
Damaged brake lining or pads	65-3-9	50.00
Loose or missing brake components	65-3-12	100.00
Inoperable breakaway braking system	65-3-12	50.00
Defective or damaged brake tubing	65-3-12	50.00
Inoperative low pressure warning device	65-3-9	50.00
Reservoir pressure not maintained	65-3-12	100.00
Inoperative tractor protection valve	65-3-9	100.00

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1	Damaged or loose air		
2	compressor	65-3-12	100.00
3	Audible air leak at brake		
4	chamber	65-3-12	50.00
5	Defective safety devices--		
6	chains or hooks	65-3-9	100.00
7	Defective towing or coupling		
8	devices	65-3-9	100.00
9	Defective exhaust systems	65-3-9	30.00
10	Frame defects--trailers	65-3-12	100.00
11	Frame defects--other	65-3-9	100.00
12	Defective fuel systems	65-3-9	50.00
13	Missing or inoperative		
14	lamps	65-3-9	25.00
15	Missing lamps on projecting		
16	loads	65-3-9	50.00
17	Missing or inoperative		
18	turn signal	65-3-9	25.00
19	Unsafe loading	65-3-8	100.00
20	Possession of radar detector		
21	in commercial motor carrier		
22	vehicle	65-3-8	100.00
23	Possession of alcoholic		
24	beverage in commercial		
25	motor carrier vehicle	65-3-8	200.00

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1	Excessive steering wheel		
2	play	65-3-9	100.00
3	Steering column defects	65-3-9	100.00
4	Steering box or steering		
5	system defects	65-3-9	100.00
6	Suspension system defects	65-3-9	50.00
7	Defective springs or spring		
8	assembly	65-3-9	50.00
9	Defective tires--steering		
10	axle	65-3-9	100.00
11	Defective tires--other axles	65-3-9	30.00
12	Defective wheels and rims	65-3-9	50.00
13	Defective or missing		
14	windshield wipers	65-3-9	30.00
15	Defective or inoperative		
16	emergency exit--bus	65-3-9	100.00.

C. DRIVER OUT-OF-SERVICE VIOLATIONS

18	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
19	Driver's age	65-3-7	\$30.00
20	Driver not licensed for		
21	type of vehicle being		
22	operated	65-3-7	30.00
23	Failure to have valid		
24	commercial driver's license		
25	in possession	66-5-59	30.00

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1	No waiver of physical		
2	disqualification		
3	in possession	65-3-7	30.00
4	Sickness or fatigue	65-3-8	100.00
5	Driver disqualification	65-3-7	500.00
6	Exceeding the 10-hour		
7	driving rule for		
8	passenger carrier		
9	transportation	65-3-11	100.00
10	Exceeding the 11-hour		
11	driving rule for property		
12	carrier transportation	65-3-11	100.00
13	Exceeding the 14-hour on		
14	duty rule for property		
15	carrier transportation	65-3-11	100.00
16	Exceeding the 15-hour on		
17	duty rule for passenger		
18	carrier transportation	65-3-11	100.00
19	Exceeding the 60 hours in 7		
20	days on duty rule	65-3-11	100.00
21	Exceeding the 70 hours in 8		
22	days on duty rule	65-3-11	100.00
23	False log book	65-3-11	100.00
24	No log book	65-3-11	100.00
25	No record for previous		

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